**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

DEBORAH DONOGHUE,

Plaintiff,

-against-

MIDWEST ENERGY EMISSIONS CORP.

Nominal Defendant,

-and-

ALTERNA CORE CAPITAL ASSETS FUND II, L.P., ALTERNA CAPITAL PARTNERS LLC, ALTERNA GENERAL PARTNER II LLC, AC MIDWEST ENERGY LLC, HARRY V. TOLL, ERIC M. PRESS, EARLE GOLDIN, JAMES C. FURNIVALL And ROGER P. MILLER,

Defendants,

15-cv-04611 (AJN)

**NOTICE OF MOTION TO DISMISS COMPLAINT**

**PLEASE TAKE NOTICE** that upon the attached Declaration of Thomas M. Lancia, Esq. dated October 7, 2015 and the exhibits attached thereto, and the accompanying Memorandum of Law, the nominal defendant Midwest Energy Emissions Corp. ("Midwest") and defendants Alterna Core Capital Assets Fund II, L.P., Alterna Capital Partners LLC, Alterna General Partner II LLC, AC Midwest Energy LLC, Harry V. Toll, Eric M. Press, Earle Goldin, James C. Furnivall and Roger P. Miller (collectively, the "Alterna Defendants", and, with Midwest, the "Defendants") will move this Court, before the Honorable Alison J. Nathan, United States District Judge, subject to Local Rule 6.1(b), for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint in its entirety with costs.

Dated: October 7, 2015

**THOMAS M. LANCIA PLLC**

By: ______________________________

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